

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Commercial Taxes Department - Allegations of corruption and violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964 against Smt.P.Venkata Sivamma, Assistant Commercial Tax Officer (now Retd.), Office of the Commercial Tax Office, Kothapet, Vijyawada trapped on 21-09-2005 - Acquitted in Criminal case - Further action dropped - Departmental inquiry for violation of conduct rules - Initiated - Inquiry conducted under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 - Charge not proved - Disagreement factors communicated - Show Cause Notice Issued - Representation - Punishment of 25% cut in pension for two (2) years under rule 9 of Andhra Pradesh Revised Pension Rules, 1980 - Imposed - Orders - Issued

REVENUE (VIGILANCE - II) DEPARTMENT

G.O.Rt.No.508

Dated:02-06-2015

Read the following :

- 1.From DG., ACB, No.182/RCT-VKI/2005, dated 13-04-2006.
- 2.G.O.Ms.No.806, Revenue (Vigilance-I) Department, dt.03-08-2009.
- 3.G.O.Ms.No.807, Revenue (Vigilance-I) Department, dt.03-08-2009.
- 4.From the Commissioner of Commercial Taxes, A.P, Hyd, letter No.V2/1672/2010, Dt.01.10.2011.
- 5.Lr.No.Confdl/AC (CT) (Audit) /2011, dt:17.09.2011 from AC (CT), Visakhapatnam (Inquiry Report).
- 6.Govt.Memo.No.45104/Vig.I(2)/2005-15,Dt:13-03-2012.
- 7.From Commissioner of Commercial Taxes, A.P., Hyderabad, letter No. V2/1672/2010, dt.17.11.2012.
- 8.Representation of Smt.P. Venkata Sivamma, ACTO (Retd.), dt.16.8.2012.
- 9.Govt.Memo No.45104/Vig.I(2)/2005-16, dated 21-05-2013.
- 10.Representation of Smt.P. Venkata Sivamma, ACTO (Retd.), dt.02-07-2013.
- 11.From CCT, AP., Hyd., Lr.No.V2/1672/2010, dated 13-01-2015.
- 12.Government Lr.No.45104/Vig.II (3)/2005-16, dt.09.02.2015.
- 13.From Secretary, APPSC, Hyd, Lr.No.252/RT/1/2015, dt.16-05-2015.

ORDER :

Whereas it was brought to the notice of Government that Smt.P.Venkata Sivamma, while working as Assistant Commercial Tax Officer, (Accused Officer-1), Office of Commercial Taxes Officer, Kothapeta, Vijayawada, Krishna District was trapped by Anti Corruption Bureau Officials, Vijayawada range on 21-09-2005 on the allegations of corruption and recommended to prosecute her in a court of Law, besides initiation of departmental action against her along with another Charged Officer for violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964, vide reference 1st read above. With regard to criminal case, consequent on acquittal by the trial court, the Government have dropped further action against her vide G.O.Rt.No.458, Revenue (Vigilance-I) Department, dated 23-03-2010.

2. And whereas with regard to violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964, the Government have accorded sanction under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 to initiate Departmental action against Smt.P.Venkata Sivamma, former Assistant

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Commercial Tax Officer, Officer of Commercial Taxes Office, Kothapeta, Vijayawada, vide reference 2nd read above as the Charged Officer had retired from service on 30-04-2009 on superannuation. Simultaneously, common disciplinary proceedings were initiated on her along with another charged officer (Charged Officer-2), vide reference 3rd read above and the following charge is framed against Smt.P.Venkata Sivamma, former Assistant Commercial Tax Officer, (Commercial Taxes), (now Retd.) :

Charge:-Smt.P.Venkata Sivamma, W/o.Subba Rao, during her tenure as Assistant Commercial Tax Officer, O/o. Commercial Taxes Officer, Kothapeta, Vijayawada, from 20.5.2003 to 21.9.2005 committed grave misconduct in that she could not account for satisfactorily an excess amount of Rs.7,240/- which was found in her money purse (Black in colour) found in front of her table. On 21.9.2005, while conducting trap proceedings in Cr.No.18/RCT-ACB-VJA/2005 of ACB, Vijayawada Range in violation of circular Memorandum No.1085/SC.D/87-1, General Administration (SC.D) Department, dt.20.4.1988 and she failed to maintain absolute integrity in violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

3. And whereas the explanation submitted by the Charged Officers is not satisfactory, the matter got enquired through Regular Inquiry Officer and the Commissioner, Commercial Taxes, Andhra Pradesh, Hyderabad has submitted report to the Government vide reference 4th read above. The Inquiry Officer has stated that the Charge framed against Smt.P.Venkata Sivamma former Assistant Commercial Tax Officer, (Commercial Taxes), (now Retd.) is not held proved.

4. And whereas the Government have examined the Inquiry Report and observed that the above Charged Officer, has released the detained vehicle to the owner prior to collection of tax and penalty due to the Government on the recommendation of the Charged Officer-2. It is the bounden duty of the Charged Officer to impose fine, collect tax and penalty from the owner before releasing the detained goods vehicle on the discrepancies if any, noticed. Thus the Charged Officer has violated the provisions of Andhra Pradesh Civil Services (Conduct) Rules, 1964. Hence, the Government have disagreed with the findings of the inquiry Authority against Smt.P.Venkata Sivamma former Assistant Commercial Tax Officer, (Commercial Taxes), (now Retd.) and requested the Commissioner, Commercial Taxes, Andhra Pradesh, Hyderabad to communicate the disagreement factors to her. Accordingly, the Commissioner, Commercial Taxes, Andhra Pradesh, Hyderabad after communicating the disagreement factors to the Charged Officer vide memo dated 27-03-2012 has submitted report to the Government along with the representation of the Charged Officer, vide references 7th and 8th read above, for taking further action in the matter.

5. And whereas, the Government have examined the matter with the representation of the Charged Officer and provisionally decided to impose a penalty of 25% cut in pension for a period of two years against Smt. P.Venkata Sivamma, former Assistant Commercial Tax Officer, (Charged Officer), (now Retd.) under rule 9 of Andhra Pradesh Revised Pension Rules, 1980. Accordingly a Show Cause Notice has been issued to the Charged Officer indicating the above decision for her representation, if any, vide reference 9th read above. The Charged Officer submitted representation re-iterating the contents made in her earlier representations and requested to drop further action against her, vide reference 10th read above.

6. And whereas, the Government after examining the representation of the Charged Officer have decided to confirm the provisional decision, i.e., to

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impose a penalty of 25% *cut in pension for two (2) years* against Smt.P.Venkata Sivamma, former Assistant Commercial Tax Officer, (now Retd.) (Charged Officer), under rule 9 of Andhra Pradesh Revised Pension Rules, 1980 as she did not put forth any new grounds to substantiate her stand. The Andhra Pradesh Public Service Commission has also agreed with the above proposed punishment in the reference 12th read above (copy enclosed).

7. Now therefore in exercise of the powers conferred under Rule 9 (1) of Andhra Pradesh Revised Pension Rules, 1980, Government hereby order to impose the punishment of 25% *cut in pension for two (2) years* against Smt.P.Venkata Sivamma, former Assistant Commercial Tax Officer (Charged Officer), (now Retd.).

8. The Commissioner, Commercial Taxes, Andhra Pradesh, Hyderabad shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Smt.P.Venkata Sivamma, Assistant Commercial Tax Officer,
(Commercial Tax) (Retd.) (w.e)
through Commissioner, Commercial Taxes, Andhra Pradesh, Hyderabad.
The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.
(with a request to serve the order on the individual and furnish the served copy
with dated signature to Government)
Copy to :
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
The Revenue (Commercial Tax.I) Department, A.P., Hyderabad.
The Deputy Commissioner, (Commercial Taxes), Vijayawada.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER